

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 CHARLES JORDAN, ) No. C 09-2715 LHK (PR)  
12 Petitioner, ) ORDER DENYING LEAVE TO  
13 v. ) PROCEED ON APPEAL IN FORMA  
14 M.S. EVANS, ) PAUPERIS  
15 Respondent. ) (Docket No. 19)

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This is a habeas corpus case filed by a state prisoner pursuant to 28 U.S.C. 2254.

18 Petitioner was not granted pauper status in the instant action, having paid the full filing fee. On  
19 September 20, 2010, the Court dismissed the petition as untimely, and denied a certificate of  
20 appealability in the same order. Petitioner has filed a notice of appeal and a motion for leave to  
21 proceed on appeal in forma pauperis. The certificate of appealability was denied because no  
22 “jurists of reason would find it debatable whether the district court was correct in its procedural  
23 ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason, Petitioner’s appeal  
24 is not taken in “good faith” and, consequently, leave to proceed on appeal in forma pauperis is  
25 DENIED. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

DATED: 12/22/2010

Lucy H. Koh  
LUCY H. KOH  
United States District Judge